

[LIST OF COUNSEL ON LAST PAGE]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA, a California corporation;

Plaintiff/Counterclaim Defendant,

v.

MICRO THERAPEUTICS, INC., a Delaware
corporation; DENDRON GmbH, a German
corporation; and ev3 Inc. a Delaware corporation,

Defendants/Counterclaim and Third
Party Plaintiffs,

v.

BOSTON SCIENTIFIC CORPORATION, a
Delaware corporation, and TARGET
THERAPEUTICS, INC., a Delaware
corporation,

Third Party Defendants.

Case No.: C 03 05669 (JW)

**STIPULATION AND ~~PROPOSED~~ ORDER
REGARDING BRIEFING SCHEDULE**

[CIVIL L.R. 6-2 AND 7-12]

The Honorable James Ware

1 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff and Counterclaim
2 Defendants The Regents of the University of California (“The Regents”), Defendants, Counter-
3 Claimants, and Third Party Plaintiffs Micro Therapeutics, Inc., Dendron GmbH and ev3 Inc.
4 (collectively “MTI”), and Third Party Defendants Boston Scientific Corporation and Target
5 Therapeutics, Inc. (collectively “Boston Scientific”), through their respective counsel of record, for
6 all purposes in the above-captioned action, including trial, as follows:

7 MTI will be seeking leave to amend its third party complaint against Boston Scientific.
8 Boston Scientific has indicated that it will oppose this motion. Additionally, MTI has recently
9 amended its counterclaims against The Regents. The Regents has indicated that it will be seeking to
10 have certain of the amended counterclaims dismissed.

11 The parties hereby stipulate that:

12 1. MTI shall file its a motion for leave to file its Second Amended Third Party
13 Complaint by December 6, 2006;

14 2. Boston Scientific shall file its brief in opposition to Defendant’s motion for leave to
15 file Second Amended Third Party Complaint by December 22, 2006;

16 3. MTI shall file a reply brief to Boston Scientific’s opposition by January 8, 2007;

17 4. The Regents shall file its motion to dismiss MTI’s amended counterclaims by
18 December 6, 2006, and the parties agree that The Regents will not and does not need to respond to
19 the remaining claims set forth in MTI’s amended counterclaims until after the Court has ruled on its
20 motion to dismiss;

21 5. MTI shall file its brief in opposition to The Regents’ motion to dismiss by December
22 22, 2006; and

23 6. The Regents shall file its reply brief to MTI’s opposition by January 8, 2007.

24 Under the above schedule, the Court will have all briefs prior to fourteen (14) days before
25 the hearing. Hearings on both of the above-referenced motions shall be on January 22, 2007, at 9:00
26 AM.

1
2 **IT IS SO STIPULATED.**

3 **ATTESTATION**

4 Concurrence in the filing of this document has been obtained from the other signatories.

5
6 DATED: December 6, 2006

By: /s/ Patrick E. Premo

7 FENWICK & WEST LLP
8 Lynn H. Pasahow (Bar No. 054283)
9 lpasahow@fenwick.com
10 Michael J. Shuster (Bar No. 191611)
11 mshuster@fenwick.com
12 Patrick E. Premo (Bar No. 184915)
13 ppremo@fenwick.com
14 Wendy Bjerknes (Bar No. 197416)
15 wbjerknes@fenwick.com
16 Silicon Valley Center
17 801 California Street
18 Mountain View, CA 94041
19 Telephone: (650) 988-8500

20 Attorneys for Plaintiff/Counterclaim Defendant
21 THE REGENTS OF THE UNIVERSITY OF
22 CALIFORNIA

23
24 DATED: December 6, 2006

By: /s/ Michelle M. Umberger

25 HELLER EHRMAN LLP
26 John.Skilton@Hellerehrman.com
27 David J. Harth (Pro Hac Vice)
28 David.Harth@Hellerehrman.com
Charles G. Curtis, Jr. (Pro Hac Vice)
Charles.Curtis@Hellerehrman.com
Michelle M. Umberger (Pro Hac Vice)
Michelle.Umberger@Hellerehrman.com
Gabrielle E. Bina (Pro Hac Vice)
Gabrielle.Bina@Hellerehrman.com
Sarah C. Walkenhorst (Pro Hac Vice)
Sarah.Walkenhorst@Hellerehrman.com
One East Main Street, Suite 201
Madison, WI 53703
Telephone: (608) 663-7460
Facsimile: (608) 663-7499

1 Michael K. Plimack (Bar No. 133869)
2 Michal.Plimack@Hellerehrman.com
3 333 Bush Street
4 San Francisco, CA 94104-2878
5 Telephone: (415) 772-6000

6 PROSKAUER ROSE LLP
7 Colin G. Sandercock
8 csandercock@proskauer.com
9 1001 Pennsylvania Avenue, N.W.
10 Suite 400 South
11 Washington, D.C. 20004
12 Telephone: (202) 416-6800

13 Attorneys for Defendants/Counterclaim and Third
14 Party Plaintiffs Micro Therapeutics, Inc. and Dendron
15 GmbH

16 Dated: December 6, 2006

17 By: /s/ Roland H. Schwillinski

18 GOODWIN PROCTER LLP
19 J. Anthony Downs (*Pro Hac Vice*)
20 jdowns@goodwinprocter.com
21 Roland H. Schwillinski (*Pro Hac Vice*)
22 rschwillinski@goodwinprocter.com
23 Amanda Marie Kessel
24 akessel@goodwinprocter.com
25 Exchange Place
26 Boston, Massachusetts 02109-2881
27 Telephone: (617) 570-1000

28 Attorneys for Third Party Defendants
Boston Scientific and Target Therapeutics, Inc.

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: December 7th, 2006



The Honorable James Ware
United States District Judge